

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARLON DONNELL HOWARD,

Defendant.

Case No. MJ23-487 MLP

DETENTION ORDER

Defendant Marlon Donnell Howard is charged with violations of supervised release in the District of Montana. The Court held a detention hearing on October 3, 2023, pursuant to 18 U.S.C. § 3143(a)(1), and based upon the reasons for detention as stated on the record and as hereafter set forth, finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. There is a rebuttable presumption of detention pursuant to 18 U.S.C. § 3143(a)(1), as incorporated in Fed. R. Crim. P. 32.1(a)(6). The burden of establishing by clear and convincing evidence that Mr. Howard will not flee or pose a danger to any other person or to the community rests with Mr. Howard.
2. Mr. Howard poses a risk of nonappearance based on a history of failure to appear,

1 criminal activity and other noncompliance while under supervision, and a prior
2 evading and resisting arrest charge.

3 3. Mr. Howard poses a risk of danger based on the nature of the new criminal
4 activity conducted while under supervision.

5 4. Based on these findings, and for the reasons stated on the record, there are no
6 conditions or combination of conditions other than detention that will reasonably
7 assure the appearance of Mr. Howard as required or ensure the safety of the
8 community, pending his initial appearance in the District of Montana.

9 5. The record does not effectively rebut the presumption that no condition or
10 combination of conditions other than detention will reasonably assure the
11 appearance of Mr. Howard as required and the safety of the community.

12 IT IS THEREFORE ORDERED:

13 (1) Mr. Howard shall be detained pending initial appearance in the District of
14 Montana and committed to the custody of the Attorney General for confinement
15 in a correction facility separate, to the extent practicable, from persons awaiting or
16 serving sentences or being held in custody pending appeal;

17 (2) Mr. Howard shall be afforded reasonable opportunity for private consultation with
18 counsel;

19 (3) On order of a court of the United States or on request of an attorney for the
20 government, the person in charge of the corrections facility in which Mr. Howard
21 is confined shall deliver Mr. Howard to a United States Marshal for the purpose
22 of an appearance in connection with a court proceeding; and
23

1 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
2 counsel for Mr. Howard, to the United States Marshal, and to the United States
3 Pretrial Services Officer.

4 Dated this 3rd day of October, 2023.

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7 MICHELLE L. PETERSON
8 United States Magistrate Judge
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